

Exhibit #5

Eric Miraglia - PLTF Offer w. Def Counters - Played 8-26-25

Designation List Report



Miraglia, Eric

2022-10-25

Our Designations

00:04:46

Their Counters

00:01:30

TOTAL RUN TIME

00:06:16



Documents linked to video:

PX-31

PX-345

Rodriguez v. Google
Plaintiff's Trial Exhibit

PX-388

EricMiraglia - Eric Miraglia - PLTF Offer w. De Counters - Played 8-26-25

DESIGNATION	SOURCE	DURATION	ID
19:12 - 19:14	Miraglia, Eric 2022-10-25 19:12 Q. Could you please state your name for the 19:13 record? 19:14 A. Eric Miraglia.	00:00:05	EricMiraglia.1
21:02 - 21:07	Miraglia, Eric 2022-10-25 21:02 Q. When did you first begin working for 21:03 Google? 21:04 A. June of 2012. 21:05 Q. And is it correct that you are still 21:06 employed by Google? 21:07 A. Yes.	00:00:14	EricMiraglia.3
22:19 - 22:24	Miraglia, Eric 2022-10-25 22:19 Q. Is it correct that at some point in your 22:20 career at Google you worked within the Privacy Data 22:21 and Protection [sic] Office? 22:22 A. It is correct. I was part of an 22:23 organization called the Privacy and Data Protection 22:24 Office.	00:00:14	EricMiraglia.4
23:05 - 23:06	Miraglia, Eric 2022-10-25 23:05 Q. Were you the founder of that organization? 23:06 A. I was.	00:00:05	EricMiraglia.5
23:07 - 23:14	Miraglia, Eric 2022-10-25 23:07 Q. How did you come to be the founder of that 23:08 organization? 23:09 A. In 2017, in advance of GDPR, the general 23:10 data protection regulation, coming online in Europe, 23:11 we wanted to have some dedicated -- a dedicated team 23:12 working on getting Google organized for the -- the 23:13 prep involved in GDPR. And so we created that 23:14 organization to focus on GDPR.	00:00:30	EricMiraglia.6
23:17 - 23:22	Miraglia, Eric 2022-10-25 23:17 Were you the leader of the Privacy and 23:18 Data Protection Office? 23:19 A. For most of my time is PDPO, there -- 23:20 there was a lead for product and programs, which was 23:21 me, and there was a lead for engineering, which was 23:22 my engineering partner.	00:00:20	EricMiraglia.74
31:11 - 31:13	Miraglia, Eric 2022-10-25	00:00:07	EricMiraglia.8

EricMiraglia - Eric Miraglia - PLTF Offer w. De Counters - Played 8-26-25

DESIGNATION	SOURCE	DURATION	ID
	31:11 Q. Did you play a role in the development and 31:12 rollout of WAA? 31:13 A. Yes.		EricMiraglia.8
76:18 - 76:20	Miraglia, Eric 2022-10-25	00:00:06	EricMiraglia.21
 PX-345.1.6	76:18 Q. Okay. I've just marked Plaintiffs' 76:19 Exhibit 103. Please let me know when you have this 76:20 exhibit in front of you.		
79:04 - 79:16	Miraglia, Eric 2022-10-25	00:00:53	EricMiraglia.22
 PX-345.1.7	79:04 Q. Okay. A little bit down in the e-mail, do 79:05 you see the next e-mail, the subject line says 79:06 "Reissue," there's a number, colon, "CB2: Consider 79:07 targeting some users with WAA off who never turned 79:08 it off with different consent text." 79:09 Do you see that?		
 PX-345.1.8	79:10 A. I do. 79:11 Q. Do you know what CB2 is referring to? 79:12 A. My recollection is that that would refer 79:13 to Consent Bump 2. 79:14 Q. And what was Consent Bump 2? 79:15 A. I believe that Consent Bump 2 refers to 79:16 the consent bump we introduced as part of Narnia 2.		
80:09 - 80:10	Miraglia, Eric 2022-10-25	00:00:06	EricMiraglia.23
 PX-345.1.10	80:09 Q. And in this subject line, what does it 80:10 mean "to target users with WAA off"?		
80:12 - 80:14	Miraglia, Eric 2022-10-25	00:00:10	EricMiraglia.24
	80:12 THE WITNESS: "Targeting some users with 80:13 WAA off" would refer to showing the consent bump to 80:14 those users that have the setting off.		
80:16 - 80:17	Miraglia, Eric 2022-10-25	00:00:05	EricMiraglia.25
	80:16 Q. How would Google know which users were WAA 80:17 off?		
80:20 - 80:22	Miraglia, Eric 2022-10-25	00:00:07	EricMiraglia.26
	80:20 THE WITNESS: The user choice is saved as 80:21 part of the Google account. So from a software 80:22 perspective, we could reference that setting.		
125:13 - 125:14	Miraglia, Eric 2022-10-25	00:00:07	EricMiraglia.55
 Clear	125:13 Q. All right. I just marked Exhibit 107. 125:14 Please let me know when you have Exhibit 107.		
 PX-31.1.5			

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DESIGNATION	SOURCE	DURATION	ID
125:15 - 125:15	Miraglia, Eric 2022-10-25 125:15 A. I have it open. I'll take a look at it.	00:00:03	EricMiraglia.56
126:09 - 127:01	Miraglia, Eric 2022-10-25  PX-31.1.6 126:09 Q. Can you look at the second e-mail in the 126:10 thread? And it's an e-mail on Tuesday, November 27, 126:11 from Dave Kleidermacher. 126:12 A. Yes.  PX-31.1.7 126:13 Q. And do you see the third sentence where he 126:14 writes: "But I agree with Eric's sentiment during 126:15 the meeting that this would be a massive game 126:16 changer. If a user could flip the switch at the 126:17 device or account level and have confidence in not 126:18 having activity tracked in any app, it would 126:19 completely change the way privacy-conscious users 126:20 and influencers view Google and Android." 126:21 Do you see that portion that I just read? 126:22 A. I do.  PX-31.1.8 126:23 Q. Now, where Dave said "Eric's sentiment," 126:24 do you know whether or not Eric is referring to you? 126:25 A. I believe that it's referring to me in 127:01 this context, yes.	00:00:57	EricMiraglia.57
128:21 - 128:24	Miraglia, Eric 2022-10-25 128:21 Q. Now, does Google offer any switch at the 128:22 device or account level where a user would have 128:23 confidence in not having activity tracked in any 128:24 app?	00:00:10	EricMiraglia.58
129:02 - 129:03	Miraglia, Eric 2022-10-25 129:02 THE WITNESS: I'm not aware of any setting 129:03 that's scoped to what you just said.	00:00:05	EricMiraglia.59
129:05 - 129:06	Miraglia, Eric 2022-10-25 129:05 Q. But you think there should be such a 129:06 setting; is that right?	00:00:03	EricMiraglia.60
129:08 - 129:13	Miraglia, Eric 2022-10-25 129:08 THE WITNESS: One thing I would note is 129:09 that what we're seeing here isn't my language. It's 129:10 Dave's language describing something that -- that we 129:11 may have talked about at a meeting. I don't 129:12 remember making an assertion shaped in the -- in the 129:13 phraseology that he's using here.	00:00:21	EricMiraglia.61

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DESIGNATION	SOURCE	DURATION	ID
129:15 - 129:16	Miraglia, Eric 2022-10-25 129:15 Q. So fair to say that Dave, in this e-mail, 129:16 is misrepresenting something you said?	00:00:05	EricMiraglia.62
129:19 - 129:22	Miraglia, Eric 2022-10-25 129:19 THE WITNESS: I think the way I would say 129:20 it is that Dave is putting something into his own 129:21 words that ends up being something that I wouldn't 129:22 have -- where I wouldn't have used those words.	00:00:10	EricMiraglia.63
195:23 - 196:03  Clear	Miraglia, Eric 2022-10-25 195:23 Q. Who is Chris Ruemmler? 195:24 A. To the best of my recollection, he was an 195:25 engineer on the -- on the apps team at the time this 196:01 was written. 196:02 Q. And prior to him sending you this e-mail, 196:03 had you ever interacted with Mr. Ruemmler before?	00:00:28	EricMiraglia.68
196:04 - 196:04	Miraglia, Eric 2022-10-25 196:04 A. I believe that I had, yes.	00:00:02	EricMiraglia.69
196:09 - 196:13	Miraglia, Eric 2022-10-25 196:09 Q. Do you have a general recollection of what 196:10 your interactions would have been about? 196:11 A. Because I worked on the privacy domain for 196:12 much of my career at Google, at a high level I 196:13 believe that they were about privacy topics.	00:00:18	EricMiraglia.70
196:16 - 196:17	Miraglia, Eric 2022-10-25 196:16 From your interactions with him, would you 196:17 say that Chris Ruemmler cared about privacy?	00:00:06	EricMiraglia.71
196:20 - 196:22	Miraglia, Eric 2022-10-25 196:20 THE WITNESS: My sense of Chris was that 196:21 he cared about privacy among many other things, but 196:22 yes.	00:00:06	EricMiraglia.72
196:24 - 196:25	Miraglia, Eric 2022-10-25 196:24 Q. Did you respect Mr. Ruemmler? 196:25 A. Yes.	00:00:11	EricMiraglia.73

Our Designations	00:04:46
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Their Counters	00:01:30
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TOTAL RUN TIME	00:06:16
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PX-31

PX-345